

Investigative Report

Parks and Recreation Department Employees Committed Fraud and Wasted City Resources

June 2023



Desarae Ybarra, a former IT Geospatial Technician at the Parks and Recreation Department, didn't report to work for nearly six months. During this time, Ybarra continued to fraudulently submit timesheets stating that she was working and was improperly paid nearly \$11,000.

Joshua Erickson, an Environmental Conservation Program Manager, and Kirsten Schneider, an Environmental Program Coordinator, at the Parks and Recreation Department, wasted City resources by approving Ybarra's timesheets despite Ybarra not reporting to work for six months.

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Cover: [Large oak tree at Zilker Park](#)

Allegation

In January 2022, the City Auditor’s Integrity Unit (CAIU) received an allegation that a former Parks and Recreation employee, Desarae Ybarra, submitted timesheets for hours not worked between June 2021 to December 2021.

Background

Parks and Recreation Department’s (PARC) mission is to “inspire Austin to learn, play, protect and connect by creating diverse programs and experiences in sustainable natural spaces and public places.”

Desarae Ybarra is a former IT Geospatial Technician at PARC. She started working in this role in March 2021. Ybarra was responsible for updating tree inventory data across 300 public parks in the City of Austin. She was supposed to visit City parks and inspect trees to collect the inventory data. The tree data updates would then be entered into the ARCGIS system using a City assigned tablet. ARCGIS is a database PARC uses to collect and store datapoints for various projects.

Joshua Erickson is an Environmental Conservation Program Manager at PARC. He is responsible for planning and directing environmental conservation program strategies.

Kirsten Schneider is an Environmental Program Coordinator at PARC and reports to Erickson.

In July 2021, Ybarra became Erickson’s direct report due to management vacancies at PARC. Erickson tasked Schneider with assisting him in overseeing Ybarra’s work and approving her timesheets. Ybarra’s submitted her signed timesheets to be approved by either Schneider or Erickson until her resignation in December 2021.

Investigation Results

Summary

Desarae Ybarra, a former IT Geospatial Technician at PARD, did not report to work for almost six months and continued to fraudulently submit timesheets. Evidence shows that Ybarra did not perform any job tasks from July 2021 to December 2021 but continued to have her timesheets approved by PARD management. Ybarra improperly received nearly \$11,000 from the City by fraudulently submitting timesheets despite not working.

Both Erickson and Schneider approved Ybarra timesheets during this period despite not checking to see if she was performing her job duties. From July to December 2021, Erickson approved Ybarra's time record for 40 regular hours and Schneider approved 352 regular hours across 20 timesheets. They both assumed the supervision of Ybarra was being handled by the other individual, but also admitted they did not discuss Ybarra's performance during any of their biweekly meetings.

Finding 1

Ybarra fraudulently submitted timesheets despite not working

Investigation Criteria:

FRAUD includes, but is not limited to:

(a) the unauthorized use of a City resource for personal gain by deception, including by forgery or by altering a document.

(b) the misappropriation of funds, supplies, or other City resources, through methods including, but not limited to theft, embezzlement, or misrepresentation.

City Code §2-3-5 (A)(2)

See Investigation Criteria for details

Desarae Ybarra committed fraud by submitting timesheets for six months claiming to have worked, despite not completing any work for PARD. She continued to send her signed timesheets via email to her supervisors for approval despite not performing her assigned job duty of logging tree data at City parks. In total, Ybarra was improperly paid nearly \$11,000 during that time.

We found that Ybarra did not enter any tree data in ARCGIS from July to December 2021. Logging tree data was Ybarra's sole work duty, according to Schneider.

In December 2021, the PARD Asset Management team received an automated notice from ARCGIS that Ybarra's account would be automatically demoted to a lower tier due to account inactivity. PARD Asset Management notified Schneider that Ybarra hadn't logged into ARCGIS since June 2021.

The PARD Asset Management team contacted Ybarra on December 21, 2021, and gave notice of her ARCGIS account's status and asked her to sign into ARCGIS. Ybarra responded via email stating that she was using her phone, not her City-issued tablet, to sign into ARCGIS and log tree data. PARD Asset Management staff stated that Ybarra's ARCGIS entries would have been the same whether she was using her City-issued tablet or phone to log in. Schneider attempted to set up a meeting with Ybarra to discuss the issue, but Ybarra did not respond. On December 28, 2021, Ybarra returned her City iPad to PARD and resigned from City employment.

We made multiple attempts to contact Ybarra, but she did not respond.

By fraudulently submitting timesheets for six months that she didn't work and improperly receiving almost \$11,000 in pay, Ybarra appears to have violated the following criteria:

- City Code §2-3-5(A)(2): Fraud
- City Code §2-7-62(O): Prohibition on Fraud and Abuse

Finding 2

Schneider and Erickson wasted City resources

Investigation Criteria:

WASTE means:

(b) the unnecessary incurring of costs to the City as a result of grossly inefficient practice, system, or control.

City Code §2-3-5 (A)(3)

See Investigation Criteria for details

Joshua Erickson and Kirsten Schneider wasted City resources by approving timesheets for Ybarra despite her not working between July and December 2021. Ybarra's timesheets indicated that Schneider approved 18 timesheets totaling 352 hours and Erickson approved 2 timesheets totaling 40 hours, which resulted in Ybarra being paid for work she never completed.

Erickson and Schneider both assumed that someone else was responsible for tracking Ybarra's performance. Erickson admitted that Ybarra fell under his supervision. Erickson stated that it was his understanding that Schneider was responsible for tracking Ybarra's productivity and overseeing her work because of their initial conversation about supervising Ybarra. Erickson also noted that he only became aware Ybarra wasn't reporting to work when PARD Asset Management brought it to his attention in December 2021 because he had not received any information about Ybarra's performance for nearly six months. Erickson told us that it was his expectation that Schneider would have brought up issues with Ybarra's performance during their bi-weekly meetings. Erickson considered the issue to be a miscommunication or misunderstanding between him and Schneider on who was responsible for supervising Ybarra.

During an interview with Schneider, she stated Erickson did not communicate his expectations on supervising Ybarra. Schneider admitted that she had very little contact with Ybarra and had concerns about signing Ybarra's timesheets, however she never brought these issues to Erickson's attention. Schneider figured that someone else at the PARD was tracking Ybarra's productivity. Ultimately, Schneider denied having a supervisory role overseeing Ybarra and claimed the only direction she was given by Erickson was to informally "help" with Ybarra.

PARD staff told us that the department has been short-staffed and unable to fill vacancies. As a result, the vacancies contributed to difficulties in management including confusion in roles and lack of employee oversight.

By approving timesheets for hours that Ybarra did not work, Erickson and Schneider appear to have violated the following criteria:

- City Code § 2-3-5(A)(3) - Waste

Appendix A - Subject Response - Desarae Ybarra

Ybarra did not provide a response.

Appendix A - Subject Response - Joshua Erickson

6/7/2023

Ultimately, this is my responsibility, and I am sorry that decisions I made allowed this to happen. When the supervisor of this temporary employee left City employment, we were not able to temporarily backfill her position. Leaving that position vacant meant that by default I would assume the responsibility of that supervisor's duties, along with the responsibilities of another vacant Forester position that reported to her. Several of our staff were stretched thin by taking on significantly more responsibility than normal to make sure we could keep our operations running. During that time, Kirsten offered to help with this temp, which I was extremely grateful for, but we did not document the specific expectations of what exactly that "help" would entail. Over the 4 years I have worked with Kirsten, there are less than a handful of times that I can recall where we were not on the same page. I thought I had communicated what was needed, but it is clear I did not.

Through the bi-weekly 1-1 meetings I had with this temp's previous supervisor, my understanding was that for the 3 months since she started, she had demonstrated a consistent pattern of productivity and was proactively reaching out when she needed help or needed additional work. I also understood that she had a long list of sites that she was working on, representing more than enough work to keep her busy through the summer. Given that demonstrated track record, I had very low concern about her productivity, and felt content that with the additional help offered, she could continue the inventory project she was hired for.

As the program manager, it is my responsibility to ensure that both full-time and temp staff are performing the work they are responsible for, and that any delegated responsibilities are clearly communicated and clearly understood. I did not set Kirsten up for success in this situation, and I did not ensure that appropriate accountability measures were in place to prevent an incident like this from occurring.

Through the roller coaster of covid accommodations, we were encouraged to be accommodating to people with varying levels of comfort about gathering in offices and crew rooms. For some of our staff, we were able to allow them to report directly to the jobsite rather than come to our shop first. This allowed them to have more time on site and helped limit the number of people congregating in our crew room. It is both frustrating and disappointing that this employee took advantage of those accommodations.

By no means am I attempting to make excuses for what happened, I am simply attempting to convey the context surrounding the decisions that were made. At the time, I felt like we were making the best decisions we could make given our circumstances. In hindsight, there are clearly several things that should have been done differently and caught earlier to prevent this from happening.

Joshua Erickson
Forestry Program Manager

Appendix A - Subject Response - Kirsten Schneider

6/24/2023

To Whom It May Concern:

I deeply regret the events described in the report above, and my role in them. I should not have signed off on Ms. Ybarra's timesheets, and although I was told that others would monitor her project output, I did not verify that this was occurring. I wish to address some errors and omissions in the report, however, as I believe they are critical to understanding the context in which these events occurred. This situation developed as a result of dramatically shifting roles and responsibilities and was exacerbated by profound staff shortages and Covid protocols. It is not representative of the normal degree of integrity and attention to communication that I strive to bring to my work, nor is it representative of the excellent leadership that Joshua has brought to our program.

The hiring freeze imposed in response to Covid made an already unsustainable hiring and retention problem worse. For nearly a decade, PARD Forestry leadership has been engaged in an effort to bring our staff's wages up to market rates and correct job descriptions that do not represent the actual job duties performed by Forestry Technicians and Forestry Technician Seniors. Over the decade, and despite the support of four Program Managers (including myself in an Acting capacity), two Division Managers, an assortment of Assistant Directors and two Directors of Parks and Recreation, that effort remains mystifyingly unresolved. As a result, PARD Forestry has become a training ground for the broader industry. Once new staff have obtained their commercial driver's license (CDL), are trained in national industry standards for tree care and/or gain ISA Certified Arborist credentials, they are lost to jobs where they are competitively compensated for those credentials and the personal risk inherent in tree care. Under a hiring freeze, we could not replace those staff when they left.

The Maintenance Supervisor to whom Ms. Ybarra reported left in July of 2021. As she departed, that Supervisor (not Joshua, as stated in the report) requested that I "help keep an eye" on Ms. Ybarra, whose position was temporary and grant-funded. I was told that another employee had the list of parks from which Ms. Ybarra was working, and yet another had the ArcGIS permissions necessary to check her activity in that application. Those two employees were pulled into acting roles around this time to help cover other vacancies. There was no explicit transfer of supervisory responsibilities and now I am uncertain about what instructions were given to those staff members, if any. Additionally, Ms. Ybarra had previously been given permission to work remotely, going directly to and from her work sites without reporting to the office. In short, the project for which Ms. Ybarra was hired was intended to deliver a much-needed product (parkland tree inventory data) that we did not have capacity to produce with existing staff, but it relied on the same staff to ensure delivery. As staff dwindled and roles shifted to cover highest-priority needs, the capacity of those of us who remained to keep all balls in the air was inevitably compromised.

In August of 2021, Joshua sent an email to the 23 employees in our workgroup at the time (excluding Ms. Ybarra), addressing organizational changes. That email is copied in full, below this response. Even with the hiring freeze lifted, the email makes abundantly clear the instability of our staff situation at that time. Of the three new hires mentioned in the email, only one would remain on board more than a month, and 5 of the 7 new FTEs we were granted in the FY22 budget were not posted for hire until spring of 2023 – a year and a half later - due to competing priorities in PARD's Human Resources Department. As of this writing, 10 of the 23 employees to whom that email was addressed are no longer employed in PARD Forestry, and we currently stand at 15 vacancies.

Appendix A - Subject Response - Kirsten Schneider

Joshua's email concluded with the seemingly prophetic statement: "With all these shifts and changes, it is possible for things to fall off the radar, or not be given the time they deserve because everyone is stretched thinner than they would like. I wanted to reiterate the importance of communication during this time. My hope is that these shifts will help us continue to cover the needs of the program and allow us to keep the highest priority work first. At the same time, it's important to make sure that we are not creating other unintended challenges or issues at the same time."

I hope that this incident (if freezes, droughts, and ice storms haven't done it) will underscore the need for PARD Forestry to be fully funded and consistently staffed. In a City that cares deeply about its trees and whose character is substantially defined by them, the workgroup tasked with caring for the largest number of those trees - the public's trees – deserves greater support.

Team,

It has taken us a while to get here, but I have some updates on the acting role in Maintenance, and a couple other notes. HR gave us the go-ahead to bring Employee on in an acting Forester role, backfilling the vacancy Employee left when he took the Hort Supervisor position. That role has already started and Employee is helping get him caught up to speed on how this side of the program operates. Employee was chosen because he has first-hand knowledge of the work identified for the N crews, and his familiarity with the work order process. I have also asked Employee to divert from inventory updates and assist with inspections while Employee is acting.

As it stands right now, Employee will continue to oversee the South end crews – PARD Employees and will also have Employee reporting to him. Employee will be overseeing the North end crews – PARD Employees and will also have Employee reporting to him, helping to keep up on inspections. Employee and Employee will be reporting to me until we are able to fill the Hort Supervisor position.

To clarify order of operations for hiring, I am hoping to post and fill the Supervisor position first, then have that individual post and hire for the Forester position. I have not heard of anything that changed in the FY22 budget prior to council adoption, so I believe we are still on track to receive an additional 7 new positions come October 1st. Those positions would be: 1 Forester, 1 Forestry Specialist, 2 Forestry Technician Sr's and 3 Forestry Technicians – all on the tree maintenance side. I am not sure yet how quickly we can post these, but I believe they are available for us to post at the start of the fiscal year.

One other note - we also have 4 new Forestry Technicians starting very soon. Employee actually started yesterday and will be joining the rest of the planting/watering team Wednesday after new employee orientation today. PARD Employees will be starting with the planting/watering crew at the start of the next pay period 8/30. There is a conditional offer that is still waiting on some final pieces to come together for the Maintenance forestry tech, but it is possible they could start on 8/30 as well.

With all these shifts and changes, it is possible for things to fall off the radar, or not be given the time they deserve because everyone is stretched thinner than they would like. I wanted to reiterate the importance of communication during this time. My hope is that these shifts will help us continue to cover the needs of the program and allow us to keep the highest priority work first. At the same time, it's important to make sure that we are not creating other unintended challenges or issues at the same time. If something comes up that needs to be discussed, please reach out to your supervisor or me. Call, text or email are all fine - my cell, if you don't already have it is Cell Phone .

Appendix A - Subject Response - Kirsten Schneider

Thanks for all your hard work, and for your patience while all this gets sorted out. If there is anything you can do to help make [REDACTED] or [REDACTED] lives easier – I know they would be appreciative!!

Thank you,

JOSHUA ERICKSON

Urban Forestry Program Manager

Austin Parks and Recreation Department

512.974.9545 | Joshua.Erickson@austintexas.gov

Appendix B - Office of City Auditor's Response to Subject Responses


We reviewed the subject responses and believe our findings stand.

Appendix C - Management Response



MEMORANDUM

TO: Corrie Stokes, City Auditor

FROM: Jodi Jay, M.B.A., CPRP, Assistant Director
Austin Parks and Recreation Department 

DATE: June 22, 2023

SUBJECT: IN22009

The purpose of this memorandum is to notify the Office of the City Auditor that the Parks and Recreation Department (PARD) acknowledges the report findings. PARD Human Resources Division will review the report and take appropriate actions.

Additionally, PARD will review and ensure all employees have taken and passed the most recent City of Austin Ethics Training regarding adherence with policies/procedures.

Cc: Kimberly A. McNeeley, M. Ed., CPRP, Director, Austin Parks and Recreation

Investigation Criteria

Finding 1

City Code §2-3-5 - Powers and Duties (A)(2)

FRAUD includes, but is not limited to:

(a) the unauthorized use of a City resource for personal gain by deception, including by forgery or by altering a document.

(b) the misappropriation of funds, supplies, or other City resources, through methods including, but not limited to theft, embezzlement, or misrepresentation.

City Code §2-7-62 - Standards of Conduct

(O) A City official or employee may not engage in fraud or abuse.

Finding 2

City Code §2-3-5 - Powers and Duties (A)(3)

WASTE means:

(b) the unnecessary incurring of costs to the City as a result of grossly inefficient practice, system, or control.

Methodology

We took the following steps to accomplish our investigation objectives:

- Reviewed applicable City Code and policy
- Conducted background research
- Analyzed the subject's time records, approvals, and payroll data
- Interviewed City staff
- Interviewed the subjects

CAIU Investigative Standards

Investigations by the Office of the City Auditor are considered non-audit projects under Government Auditing Standards and are conducted in accordance with the general and ethics standards, procedures recommended by the Association of Certified Fraud Examiners (ACFE), and the ACFE Fraud Examiner's Manual. Investigations also adhere to quality standards for investigations established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and City Code.

The Office of the City Auditor, per City Code, may conduct investigations into fraud, abuse, or illegality that may be occurring. If the City Auditor, through the Integrity Unit, finds that there is sufficient evidence to indicate that a material violation of a matter within the office's jurisdiction may have occurred, the City Auditor will issue an investigative report and provide a copy to the appropriate authority.

In order to ensure our report is fair, complete, and objective, we requested responses from both the subject and the Department Director on the results of this investigation. Please find attached these responses in Appendix A and C.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve city services. We conduct investigations of allegations of fraud, waste, or abuse by City employees or contractors.

City Auditor

Corrie Stokes

Deputy City Auditor

Jason Hadavi

Chief of Investigations

Brian Molloy

Office of the City Auditor

phone: (512) 974-2805

email: AustinAuditor@austintexas.gov

website: <http://www.austintexas.gov/auditor>



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